Doc Code: AP.PRE.REQ

PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional)
	042390.P10450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]	Application Number	Filed
	09/822,735	03/30/2001
on June 26, 2006	First Named Inventor	
Signature _____	Jiming Sun	
	Art Unit	Examiner
Typed or printed name Tu Nguyen	2144	Michael Delgado

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
      Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.   42,034
Registration number _____.

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

_____
Signature

Thinh V. Nguyen
_____
Typed or printed name

(714) 557-3800
_____
Telephone number

June 26, 2006
_____
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
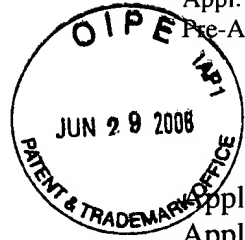Submit multiple forms if more than one signature is required, see below*.

☐   *Total of _____ forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No.	:	09/822,735	Confirmation No. 7299
Applicant	:	Jiming Sun	
Filed	:	03/30/2001	
TC/A.U.	:	2144	
Examiner	:	Michael A. Delgado	
Docket No.	:	042390.P10450	
Customer No.	:	8791	

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

In response to the Final Office action dated March 27, 2006, Applicant would like to request a pre-appeal panel review of the application.

Remarks/Arguments begin on page 2 of this paper.

REMARKS/ARGUMENTS

Claims 1-30 are pending in the present application.

This request is in response to the Final Office Action mailed March 27, 2006. In the Final Office Action, the Examiner rejected claims 1-30 under 35 U.S.C. §103(a). Applicants respectfully traverse the rejections and contend that the Examiner has not established a prima facie case of indefiniteness and/or anticipation.

Pre-appeal panel review of the application in light of the remarks/arguments made herein is respectfully requested.

There are several clear errors in the Examiner's rejections and arguments.

1) Chatterjee 1, Chatterjee 2, Ludwig, and Miller, taken alone or in any combination, do not disclose or suggest a management layer to process data in a first format using a processing function that is enabled or disabled by a configuration user interface.

Applicants refer to the response filed on January 9, 2006, page 9. Among other things, Applicants contend that the Examiner failed to identify the management layer and/or the configuration user interface in any one of Chatterjee 1, Chatterjee 2, Ludwig, and Miller.

2) Chatterjee 1, Chatterjee 2, Ludwig, and Miller, taken alone or in any combination, do not disclose or suggest a packetizer to packetize the string of data into at least one packet having a header identifying the first format.

Applicants refer to the response filed on January 9, 2006, page 9. Among other things, Applicants contend that (a) Chatterjee 1 merely discloses formatting, compressing, and encoding, not packetizing, (b) Chatterjee 1 merely discloss producing the header during compressing (before encoding), not during packetizing (after encoding), (c) Chatterjee 1 does not disclose that the header identifying the first format, and (d) Chatterjee 2 does not disclose two different formats.

3) Chatterjee 1, Chatterjee 2, Ludwig, and Miller, taken alone or in any combination, do not disclose or suggest a detector to detect the second format.

Applicants refer to the response filed on January 9, 2006, page 9. Among other things, Applicants contend that Chatterjee 1 merely discloses checking for a place keeper/end of message character, not detecting second format.

4) <u>Ludwig does not disclose or suggest encoding data into a string of data:</u>

Applicants refer to the response filed on January 9, 2006, page 9. Among other things, Applicants contend that <u>Ludwig</u> merely discloses the PPP is used to transport multiple protocols for packet transmission, not used for encoding data.

5) <u>Miller does not disclose or suggest supporting multiple formats:</u>

Applicants refer to the response filed on January 9, 2006, page 9. Among other things, Applicants contend that <u>Miller</u> merely discloses decoding and decompression, which are opposites of encoding.

6) <u>Modifying Chatterjee 1 to incorporate Herbert would render Chatterjee 1's invention being unsatisfactory for its intended purpose.</u>

Applicants refer to the response filed on January 9, 2006, pages 10-11. Among other things, Applicants contend that modifying <u>Chatterjee 1</u> to incorporate <u>Herbert</u> implies that the message must be encoded by high-order derivatives which are incompatible with ASCII text message.

Accordingly, Applicants respectfully request the Review Panel render a decision allowing the application.
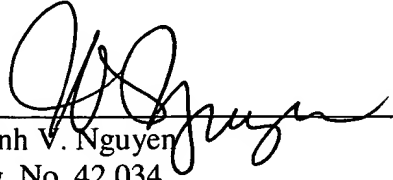
Conclusion

Applicant respectfully requests the Review Panel render a decision allowing the application.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: June 26, 2006

By_____
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Date: June 26, 2006

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_____   June 26, 2006
Tu Nguyen   *Date*